

AMENDED IN SENATE AUGUST 12, 2002

AMENDED IN ASSEMBLY APRIL 25, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2895

Introduced by Assembly Member Shelley

February 25, 2002

An act to amend Section 232 of, and to add Section 232.5 to, the Labor Code, relating to private employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2895, as amended, Shelley. Private employment: working conditions.

Existing law provides that an employer may not require that an employee refrain from disclosing the amount of his or her wages, require an employee to sign a waiver denying him or her the right to disclose the amount of his or her wages, or discharge, formally discipline, or otherwise discriminate against an employee, for job advancement, who discloses the amount of his or her wages.

This bill would eliminate the requirement that the discharge, formal discipline, or discrimination must be for job advancement.

This bill would also provide for identical protections relating to disclosure of information about the employer's working conditions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 232 of the Labor Code is amended to read:

232. No employer may do any of the following:

(a) Require, as a condition of employment, that an employee refrain from disclosing the amount of his or her wages.

(b) Require an employee to sign a waiver or other document that purports to deny the employee the right to disclose the amount of his or her wages.

(c) Discharge, formally discipline, or otherwise discriminate against an employee who discloses the amount of his or her wages.

SEC. 2. Section 232.5 is added to the Labor Code, to read:

232.5. No employer may do any of the following:

(a) Require, as a condition of employment, that an employee refrain from disclosing information about the employer's working conditions.

(b) Require an employee to sign a waiver or other document that purports to deny the employee the right to disclose information about the employer's working conditions.

(c) Discharge, formally discipline, or otherwise discriminate against an employee who discloses information about the employer's working conditions.

(d) This section is not intended to permit an employee to disclose proprietary or trade secret information, ~~trade secret information~~, *trade secret information, or information that is otherwise subject to a legal privilege* without the consent of his or her employer.